SUPREME COURT OF THE UNITED STATES.

No. 330.

THE STEAMER TRENT, ETC., M. N. WOOD, CLAIMANT, AND WILLIAM NOBLE AND JOHN F. KRANZ, SURETIES, APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Libel of information	1	1
Order of publication	4	3
Warrant	6	4
Monition	8	4
Marshal's return on warrant	9	5
Claim of M. N. Wood	10	5
Bond for costs	11	5
Petition and order to bond	12	6
Notice to appraisers	14	7
Marshal's return	15	7
Appraisers' report	15	7
Appraisers' bill	16	7
Release bond	17	8
Writ of release	19	9
Marshal's return	21	9
Answer of claimant	22	9
Notice to take testimony	24	10
Marshal's return	25	10
TESTIMONY FOR LIBELLANTS.		
Testimony of John C. Marsh	25	11
Testimony of F. V. Cellos	28	11
Testimony of George D. Hite	29	12
Notice to take testimony	31	13
Marshal's return	32	13

TESTIMONY FOR CLAIMANT.

	Original.	Print.
Testimony of Joshua Fenimore	33	13
Testimony of D. D. Dannals	36	15
Testimony of John Rebner	40	16
Order continuance	41	16
Note of evidence	42	17
Hearing and submission of cause	42	17
Final judgment	43	17
Petition of intervention of R. Waples	45	18
Answer of United States to intervention	46	18
Exception of Rufus Waples	50	19
Motion and order for suspensive appeal	51	20
Order approving surety on appeal bond	52	20
Appeal bond	53	20
Claim of informer	55	21
Clerk's certificate to transcript	57	21
Citation of appeal and service	58	22

1 *Libel of information.—Filed July 3d, 1865.*

To the honorable the judges of the circuit court of the United States for the sixth judicial circuit and eastern district of Louisiana:

The libel of information of Rufus Waples, attorney of the United States for the eastern district of Louisiana, who prosecutes for the said United States in this behalf, and being here present in court, in his own proper person, in the name and behalf of the said United States of America, and Charles Black, sr., informant, against the steamer Trent, her tackle, apparel, and furniture, &c., hereinafter described, and against all persons intervening for their interest therein, in a case of seizure and forfeiture, alleges, propounds, and declares as follows:

I. That Cuthbert Bullitt, esq., marshal of the United States for the said district, under written authority given him by the said attorney, in compliance with instructions issued by the Attorney General of the United States to the district attorneys thereof, and by virtue of the act of Congress, approved on the sixth day of August, in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrectionary purposes," heretofore, that is to say, on the 30th day of June, in the year one thousand eight hundred and sixty-five, seized as forfeited to the United States, at New Orleans, within said district, and within the jurisdiction of this court, this steamer Trent, her tackle, apparel, furniture, machinery, &c.

2 II. That by the act of the Congress of the United States, approved August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes," it was provided, "that if, during the present or any future insurrection against the government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceeedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employee, shall purchase or acquire, sell or give, any property of whatever kind or description, with intent to employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such rebellion or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned."

III. That the President of the United States did, on the 15th of April, 1861, declare by proclamation, "that the laws of the United States are opposed and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law;"

and that on the 16th of August, 1861, he did reiterate said proclamation, and did declare that "such insurrection" still existed and had not been suppressed.

IV. 1. That the property herein above described was used and employed knowingly by the owner or owners thereof, in aiding, abetting, or promoting the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of the said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in transporting troops of the so-called Confederate States, in armed rebellion against the government of the United States, and in transporting munitions of war and supplies for use of said troops in insurrection.

2. That the property herein described was used and employed, knowingly by the owner or owners thereof, in aiding and abetting persons engaged in the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in transportation of troops of the so-called Confederate States in armed rebellion against the government of the United States, and in transporting munitions of war and supplies for the use of the said troops in rebellion.

3. That the said property was purchased or acquired and sold and given and the owner or owners thereof, or by his, her, or their agent or employee, with intent to use or employ the same for the purpose of aiding, abetting, and promoting the said insurrection and resistance to the laws, after the approval of said act, and after the public proclamations above mentioned, and after the 16th day of August, 1861, by being used in transporting troops of the so-called Confederate States in insurrection against the government of the United States, in transporting supplies, munitions of war, &c., for the use of said troops in insurrection.

4. That the owner or owners of the said property did knowingly consent to the use or employment of it for the purpose of aiding or abetting or promoting said insurrection and resistance to the laws, or of aiding, abetting, or promoting persons engaged therein, after the approval of said act, and after the proclamations above mentioned, and after the 16th day of August, 1861, by permitting the use of property for the purposes aforesaid.

5. That the owner or owners of said property, his, her, or their agent or employee, did suffer said property to be used or employed in aiding, abetting, or promoting the insurrection proclaimed by the President as aforesaid, and in aiding, abetting, or promoting a person or persons engaged in said insurrection, after the approval of act above mentioned, and after the proclamation of the President, duly made public on the 16th day of August, 1861, by permitting the use of the boat for the purposes above stated.

V. That by reason of the premises, the property herein described became and was forfeited to the United States, and ought to be con-

fiscated and condemned to the use of the said United States as enemy property.

Wherefore, the said attorney, in the name and behalf of the United States of America, prays that process of monition may issue against the said property and the owner or owners thereof, and against all persons interested or claiming an interest therein, warning them at some early day, to be named therein, to appear and answer
3 this libel of information; and that an order of publication may be made in the usual form; and that all due proceedings being had this honorable court may be pleased to decree for the condemnation and forfeiture of the said property to the use and ownership of the said United States, and of Charles Black, sr., informant, and he prays for such further relief as the court is competent to give in the premises.

(Signed) RUFUS WAPLES,
U. S. Att'y for the Eastern Dist. of La.

Filed July 3d, 1865.

4 *Order of publication.*

United States circuit court for the sixth judicial circuit and eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER TRENT, her tackle, apparel, &c. } No. 3,608.

Whereas the steamer Trent, her tackle, apparel, &c., described in the libel filed by the district attorney and now of record in this court, and all the right, title, and interest therein, has been seized by the marshal of the United States for the eastern district of Louisiana, by virtue of an act of Congress, approved on the sixth day of August, in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrection-
5 ary purposes;" and whereas the United States attorney for the eastern district of Louisiana did, on this 3d day of July, A. D. 1865, file a libel of information in this court, praying the condemnation of said property and real estate, under the act aforesaid, and that process of monition issue against the owner and owners of said property, and all persons interested or claiming an interest, warning them at some early day to appear and answer said information.

It is, therefore, on this 3d July, in the year of our Lord eighteen hundred and sixty-five, ordered that notice be given to the owner and owners of said property, and all persons interested or claiming an interest therein, to appear and answer this information, on the 24th day of July, 1865, and show cause, if any they have, why said property and the right, title, and interest therein, should not be condemned and sold according to law; and that notice
6 be given by posting a *a* copy of this order upon the front door of the court house of the district, and by publication in the

N. O. Times newspaper twice a week previous to said 24th day of July, A. D. 1865, the first publication to be on or before the 10th instant.

New Orleans, July 3d, 1865.

(Signed) E. H. DURELL, *Judge.*

Warrant.

The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize, and into your possession take the steamer Trent, her tackle, apparel, &c., described in the libel filed by the dist. att'y, now of record in this court, and now libelled by the United States for the causes set forth in the libel pending in the circuit court of the United States for the sixth
7 judicial circuit and eastern district of Louisiana; that you do cite and admonish the owner or owners and all and every other person or persons having or pretending to have any right, title, or interest, in the or to the same, to be and appear before a circuit court of the United States for the district aforesaid, to be holden at the city of New Orleans the third Monday from the service hereof, to show cause, if any they have or can, why the said property should not be condemned and sold agreeably to the prayer of the libellant; and how you have executed this warrant that you make return according to law.

Witness the Hon. S. P. Chase, Chief Justice of the Supreme Court of the United States, this 3 day of July, A. D. 1865, and 89 year of the independence of the United States.

(Signed) F. B. VINOT, [SEAL.]
D'y Cl'k.

8 *Monition.*

In the United States circuit court for the sixth circuit and eastern district of Louisiana.

THE UNITED STATES
vs.
STEAMER TRENT, her tackle, apparel, etc. } No. 3,608.

In obedience to an admiralty warrant, to me directed in the above-entitled suit, I have seized and taken into my possession the steamer Trent, her tackle, apparel, etc., now libelled by the United States of America, for the causes set forth in the libel now pending in the circuit court of the United States, and I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title, or interest in or to the same, to be and appear at a circuit court of the United States for the district aforesaid, to be holden at the city of New Or-
9 leans on or before the third Monday from the date hereof, to show cause, if any they have or can, why the said steamer, her tackle, etc., should not be condemned as forfeited to the United

States and be sold agreeably to the prayer of libellants, and the proceeds thereof be distributed according to law.

United States marshal's office, New Orleans, July 7th, 1865.

(Signed) CUTHBERT BULLITT,
U. S. Marshal.

July 8, 15, 22, 29.

Marshal's return.

Received July 7th, 1865, and having seized and taken into my possession the within described property on the authority of a previous writ, I posted a copy of this warrant, the libel, and the order of the judge, on the door of the court house, and published monition in the N. O. Times, a daily paper published in this city, on the 8th, 15th, 22d, and 29th July, 1865.

July 31st, 1865.

(Signed) J. J. PREIS, *D'y U. S. Marshal.*

10 *Claim of M. N. Wood.—Filed July 3d, 1865.*

U. S. circuit court.

THE UNITED STATES
vs.
STEAMBOAT TRENT, her tackle, apparel, and furniture.

The claim of M. N. Wood, a resident of the parish of Orleans, State of Louisiana, and a loyal citizen of the United States, herein appearing and claims the property herein libelled, and says that he is the true and bona fide owner of said boat, tackle, apparel, and furniture, and no other person or persons are the owners thereof, and prays to be permitted to file this his claim, and that said property be returned to him, and he prays all such orders and relief as he may be entitled to in the premises.

(Signed) M. N. WOOD.
(Signed) A. P. FIELD, *Proctor.*

Sworn to and signature acknowledged before me, this 3d July, 1865.

(Signed) CHS. CLAIBORNE, *Clerk.*

11 *Bond for costs.—Filed July 3d, 1865.*

UNITED STATES OF AMERICA,
Eastern District of Louisiana, to wit:

Personally appearing before me, the undersigned, United States commissioner for the eastern district of Louisiana, M. N. Wood as principal, and W. A. Calmes as surety, do hereby acknowledge themselves, jointly and severally, to be indebted unto the United States in the full sum of two hundred and fifty dollars, lawful money

of the United States, to be levied of their goods, chattels, lands, and tenements, the use of the said United States, and for the payment whereof they jointly and severally bind themselves, their heirs, and executors, and administrators, firmly by these presents.

Whereas in the matter of the United States *vs.* the steamer Trent, etc., No. 3,608 of the docket of the circuit court of the
12 United States for the eastern district of Louisiana, a libel of information has been filed on behalf of the United States, this obligation to be null and void on condition that the said M. N. Wood shall abide by the final decree rendered in the cause, and pay all such costs, expenses, and damages as shall be awarded by the court upon the final decree, whether it is rendered on the original or appellate court; otherwise this obligation to remain in full force and virtue.

(Signed) M. N. WOOD. [L. S.]
(Signed) W. A. CALMES. [L. S.]

Signed and sealed at the city of New Orleans, this 3d day of July, 1865, in presence of—

(Signed) CHS. CLAIBORNE,
U. S. Commissioner in and for the East. Dist. La.

Petition and order to bond.—Filed July 3d, 1865.

To the Hon. E. Durell, judge of the 6th circuit court of the United States for the 6th judicial circuit and eastern district of Louis-
13 iana:

The petition of M. N. Wood, a loyal citizen of the United States, that he is the owner of the steamer Trent, her tackle and apparel and furniture, this said boat has been libelled in said court, No. , on the docket thereof. That he has filed his claim to said boat in said suit. Said boat is now at the wharf in the city of New Orleans, about to load for Lafourche, wherefore he prays that he be permitted to give bond for said property, and that said boat, apparel, tackle, and furniture be returned to his possession, and he prays for all necessary orders.

(Signed) A. P. FIELD, *Proctor.*

Let the steamer Trent be appraised by Heartt and Swain and let the petitioner, M. N. Wood, be permitted to bond the same upon furnishing a stipulation in a sum exceeding by one-half the appraised value thereof, with good and solvent security, conditioned as
14 the law directs, upon payment of costs of appraisement.

July 3d, 1866.

(Signed) E. H. DURELL, *Judge.*

Notice to appraisers.

United States circuit court, eastern dist. of Louisiana.

UNITED STATES
vs.
THE STEAMBOAT TRENT her tackle, etc.

To H. G. Heartt and Richard Swain:

Take notice that you have been this day appointed appraisers for the purpose of accertaining the value of the property libelled in this case, and you are to file the report of your appraisement within the shortest possible delay.

By order of the court.

New Orleans, July 3d, 1865.

(Signed) F. B. VINOT, *D'y Cl'k.*

15 *Marshal's return.*

Received July 3d, 1865, and same day, month, and year served a copy of the within notice on Heartt and Swain, appraisers, in the hands of H. S. Heartt, he being one of the appraisers named herein.

July 3d, 1865.

(Signed) WM. GRASS, *D'y U. S. M.*

Appraiser's report.—Filed July 3d, 1865.

UNITED STATES
vs.
STEAMER TRENT, tackle and apparel, &c. } No. 3,608.

To the hon. circuit court for the eastern dist. of Louisiana:

We, the undersigned, appraisers to this hono. court, duly appointed and sworn, have to report, that on the third day of July, 1865, we proceeded on board of the steamer Trent, Wood master, for the
16 purpose of ascertaining her value, and after a careful and thorough examination find that she is about four years old; built in Louisville, 1861. She is 198 tons burden.

And on a careful examination of the said boat, her boilers, engines, tackle, and apparel, we do hereby value and appraise the said boat, her tackle, apparel, &c., at the sum of ten thousand two hundred dollars ($10,200) cash, and no more.

Given under our hands this third day of July, 1865.

(Signed) H. G. HEARTT,
(Signed) RICH'D SWAIN,
U. S. Appraisers, New Orleans.

Appraiser's bill.—Filed July 3d, 1865.

UNITED STATES COMMISSIONER'S OFFICE,
Appraiser's Department, New Orleans, July 3d, 1865.

In the matter of the steamer Trent, tackle, and apparel.

17 To appraisers' office, DR.

1865.

July 3. For app. of steamer, $10,200, a 1 p. c..... ..... $102 00

Release bond.—Filed July 5th, 1865.

UNITED STATES OF AMERICA, *Eastern Dist. of Louisiana:*

Know all men by these presents, that we, M. N. Wood, of the city of New Orleans, claimant and owner of the steamer Trent, her tackle, &c., as principal, and William Noble and John F. Kranz, as sureties, are held and firmly bound unto the United States of America, libellants, in the sum of fifteen thousand three hundred dollars, lawful money of the United States of America; for the payment whereof of the said United States, we jointly and severally bind our-
18 selves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us, at New Orleans, this 5th day of July, one thousand eight hundred and sixty-five.

Whereas an admiralty warrant was lately issued out of the hono. the circuit court of the United States of America for the eastern dist. of Louisiana, at the suit of the United States *vs.* the steamer Trent, her tackle, apparel, and furniture, and numbered 3,608 on the docket of the said court, commanding the marshal to seize and take into his possession the steamer Trent, her tackle, &c., which has been seized accordingly, but has been released from said seizure, and delivered to said M. N. Wood, the claimant and owner thereof, by reason of the signing, sealing, and delivery of these presents, said M. N. Wood having obtained leave of court to bond said property, and filed
19 a claim thereto, which is now of record in the clerk's office of this court.

Now the condition of the above obligation is such, that if the said claimant and sureties abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by the final decree rendered in the court to which the process is returnable, or in any appellate court, then the foregoing obligation is to void; but otherwise shall remain in full force and virtue.

(Signed)	M. N. WOOD.	[L. S.]
(Signed)	WILLIAM NOBLE.	[L. S.]
(Signed)	JOHN F. KRANZ.	[L. S.]

Signed, sealed, and delivered in the presence of—

CH'S CLAIBORNE,
U. S. Com'ner.

Wm. Noble and Jno. F. Kranz, sureties on the within bond, being duly sworn, say that they reside in the city of New Orleans, and are worth each the sum of $7,650 over and above all their debts and liabilities.

WILLIAM NOBLE.
JNO. F. KRANZ.

Sworn to and subscribed before me, this 5th July, 1865.

CH'S CLAIBORNE, *U. S. Com.*

Writ of release.

United States circuit court, eastern dist. of Louisiana.

20 UNITED STATES
vs.
THE STEAMER TRENT, her tackle, apparel, &c. } No. 3,608.

CLERK'S OFFICE,
New Orleans, July 5th, 1865.

The President of the United States of America to the marshal of the eastern dist. of Louisiana, or his lawful deputy, greeting:

Whereas M. N. Wood, claimant and owner of said steamer, hath this day filed a claim thereto, on behalf of himself, and obtained leave of court to bond the said steamer, and which claim is now of record in this office.

You are hereby authorized to release the said steamer from seizure, and her to restore to the possession and custody of said claimant on he having given bond conditioned as required by the order of court, and otherwise complying with the rules of the court, &c., and make return hereon of your doings in the premises.

21 Witness the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States, at New Orleans, this 3d day of July, A. D. 1865, and the 90th year of the independence of the United States.

(Signed) F. B. VINOT, *D'y Clerk*.

Marshal's return.

Received July 5th, 1865, and on the same day, month, and year released the steamer Trent, her tackle, apparel, and furniture, unto Capt. M. N. Wood, the claimant named herein, by giving him an order to the marshal's keeper to restore the said boat to said claimant, and obtained from W. N. Chalmers, clerk of said steamboat, a receipt for said boat, her tackle, &c., from the said keeper, which receipt is on file in the U. S. marshal's office.

New Orleans, July 5th, 1865.

(Signed) J. J. PREIS,
D'y U. S. Marshal.

22 *Answer of claimant.—Filed July 8th*, 1865.

UNITED STATES
vs.
THE STEAMER TRENT, her tackle, apparel, and furniture.

To the hon. the judges of the United circuit court for the sixth circuit and eastern district of Louisiana:

The answer of Marion N. Wood to the libel of information filed by the U. S. dist. attorney against the steamboat Trent, her tackle, apparel, and furniture, articulately alleges and propounds as follows:

1. To the first article of the libel he says, that he admits the seizure

of said steamer Trent, her tackle, apparel, and furniture, but denies that the same was legally made.

2. He admits the passage of the various acts of Congress,
23 and the putting forth of the presidential proclamations, mentioned in the 2d and 3d articles of the libel, but says they have no applicability to the steamboat Trent or owner.

3. And to the matters and things set forth in the 4th article of the libel and the subsidiary clauses thereof, he says that everything therein contained tending to show the steamboat Trent liable to confiscation is altogether falsely alleged, the truth being that said boat never was used by the will and consent of the owner, or of his lawful agent, to aid the enemies of the United States.

4. That all and singular the premises are true.

Wherefore respondent prays this honorable court to pronounce against the libel aforesaid, and condemn libellants to pay costs, and otherwise law and justice in the premises to administer.

(Sig.) M. N. WOOD.
24 (Signed) A. P. FIELD, *Proctor*.

Sworn to and subscribed, this 8th July, 1865, before me,
(Signed) F. B. VINOT, *D'y Cl'k*.

Notice to take testimony.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER TRENT. } No. 3,608.

To A. P. Field, esq.:

You are hereby notified that testimony will be taken in the above-entitled cause on Thursday, the 21 day of Sept., 1865, at the clerk's office of this court, at 12 o'clock m., on behalf of libellant.

New Orleans, Sept. 19th, 1865.
(Signed) F. B. VINOT, *D'y Cl'k*.

25 *Marshal's return.*

Received Sept. 20th, 1865, and on the same day, month, and year served a copy of the within notice on A. P. Field, esq., by giving it to Shackleford, esq., personally, he being a partner of said A. P. Field, esq.

Sept. 20th, 1865.
(Signed) J. J. PREIS,
D'y U. S. Marshal.

Testimony for libellant.—Filed Sept. 21st, 1865.

UNITED STATES
vs.
STEAMER TRENT. } No. 3,608.

Testimony taken in presence of the dist. att'y and Shakelford, esq., for claimant.

John C. Marsh, a witness for libellants, duly sworn, deposes and says:

26 I have resided in the city of New Orleans since 1834; I know the steamboat Trent; I know not whether or not she was in the confederate employ in 1861 in 1862.

I saw her in 1863; she arrived at Shreveport on 3 or 4 occasions, with confederate soldiers on board; she came from below; Capt. Woods was her captain on board at those dates. I do not know whether or not she was acting under orders of the confederate government. In 1864 I saw her with corn on board. I know not whether it was confederate corn or not. On one occasion she took corn from above Shreveport, and took it to some point down the river; there were no confederate soldiers on board at the time she took this corn.

I saw her from time to time making trips, sometimes with corn, at other times light.

The confederate government got large supplies of corn from above Shreveport, at that time, for the use of the army. It was taken down past Shreveport, to where the army was encamped.

27 Cross-examined:

I am acquainted with Capt. Woods; he was owner of the Trent. I do not know whether he is so now or not. I know that he owned her until the surrender of Gen. Lee. I have never heard of his having sold her.

I cannot specify any of the particular times when I saw the Trent making trips when she had confederate soldiers on board.

I did not see the corn landed, it was taken below.

If the capt. of any boat on Red river at that time had refused her services to the confederate authorities, he would have been arrested, and the boat put in charge of a confederate officer.

I never saw any order or orders from the confederate government to Capt. Woods.

(Signed) JOHN C. MARSH.

Sworn to and subscribed before me, this 21st day of Sept., 1865.

(Signed) CHS. CLAIBORNE,
U. S. Comm'r.

28 F. V. Cellos, a witness for libellants, duly sworn, deposes and says:

I was born and raised in New Orleans; I know the steamboat Trent. In 1864, in April, she carried confederate corn from the neighbor-

hood of Carolina bluff to Shreveport. I know she made one trip; Captain Wood was captain on board of her at that time. I was at that time detailed on a boat at Shreveport.

I do not know whether or not she was acting under orders of the confederate government when she made this trip. She had a confederate agent on board; the corn was landed at Shreveport. It belonged to the confederate government. I did not see confederate troops on board; the only confederate officer on board was the agent I mentioned before.

In February, 1865, she was ordered to Black river. I saw the written order; she was stopped at Alexandria, and then taken as a flag-of-truce boat. I served the order myself; when she was
29 taken for a flag-of-truce boat, to transport stores to Shrevesport, Capt. Woods was on board of her; that is the last that I know of her being in the confederate service.

Cross-examined:

At the time I speak of I was in the confederate service. I was acting as chief of river transportation at Alexandria, detailed for that purpose.

(Signed) FRED. V. CELLOS.

Sworn to and subscribed before me, this 21st day of Sept., 1865.

(Signed) CHS. CLAIBORNE,
U. S. Comm'r.

George D. Hite, a witness for libellants, duly sworn, deposes and says:

I reside in New Orleans. I know the Trent, formerly known as the Martha E. Allen. She was, in 1863, employed by the confed-
ederate government; she made one trip to my knowledge; she
30 carried troops from Jefferson, Texas, to Alexandria, La.; they were confederate troops; Capt. Wood was not on board of her; he was at Shrevesport. From Jefferson to Shrevesport Capt. Wood was on board. The boat, to my knowledge, made no other trip for the confederate government.

Cross-examined:

I know that orders were issued to the Trent by the chief quartermaster of trans-Mississippi department to proceed to Jefferson, Texas, and there take on board a lot of troops, and then return to Shrevesport and report to headquarters; and it was under those orders, which I saw, that this trip was made.

(Dist. attorney objects to the testimony in regard to the written orders, because the orders themselves are not produced, nor their loss accounted for.)

Capt. Woods was taken off of the boat at Shrevesport by a military guard. I saw him taken off by the guard; the guard was
31 composed of confederate soldiers.

Re-direct:

The name of the boat was changed before the war.

(Signed) GEO. D. HITE.

Sworn to and subscribed before me, this 21st day of September, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Com'r.

Notice to take testimony.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER TRENT, &c. } No. 3,608.

To John K. Goodloe, esq., U. S. att'y:

You are hereby notified that testimony will be taken in the above-entitled cause on Friday, the 22d day of December, 1865,
32 at the clerk's office of this court, at 9 o'clock a. m., on behalf of claimant.

New Orleans, Dec. 20, 1865.

(Sig.) F. B. VINOT, *D'y Cl'k.*

Marshal's return.

Received Dec'r 21, 1865, and on the same day, month, and year served a copy of the within notice on J. K. Goodloe, esq., U. S. dist. att'y, personally.

Dec'r 21, 1865.

J. J. PREIS,
D'y U. S. Marshal.

Testimony for claimant.

U. S. circuit court.

UNITED STATES
vs.
THE STEAMER TRENT, her tackle, apparel, &c. } 3,608.

Testimony taken before Charles Claiborne, U. S. commissioner, on the 22d day of December, 1865; dist. att'y for libell'ts, Shak-
33 elford for claimant.

Joshua Fenimore, a witness for claimants, being duly sworn, deposes and says:

I reside in New Orleans; I have been residing here since the year 1859. I know the steamer Trent. I know Capt. Wood, the claimant in this case. The steamer Trent has been in Red river for the last 2 or 3 years; she was considered a Red river packet. I saw her at

Shreveport in the fall of 1863. I was employed as clerk on board of her during the winter of 1863 and spring of 1864. She carried corn for the confederate government in 1864; she got some corn at Carolina Bluffs, carried a part of it to Alexandria, and part to Shreveport. I know that she took corn from Carolina Bluffs and carried it to Shreveport. She carried it under compulsion; the boat was seized by order of the confederate government; there was a supercargo, a government agent, placed on board. I never knew the boat to
34 carry, unless under orders of the government, supplies of any kind for the confederate authorities. These orders were generally written. I saw many of them. I know not what became of the said orders. The orders, I believe, were returned. The rule established, I believe, was, that the orders were to be returned, and certificates given for services performed. The capt., in the commencement of the difficulties, was opposed to secession.

Cross-examined:

I mean by compulsion that the boat moved under orders of the chief confederate quartermaster, or other confederate subordinate officers in the department. The boat Trent is owned by Capt. Wood, the claimant, and she was commanded by Capt. Wood when in confederate service. He performed the usual functions and duties of a captain when in command. During the time spoken of by me, whilst in the confederate service, she carried private freight and passengers also. She generally carried soldiers, occasionally passengers, when under orders of the confederate government.
35 She landed sometimes passengers and private freight at the different landings. After Louisiana seceded the capt. sympathized with the south. I believe the capt. desired the success of the confederate government, with thousands of others who were not secessionists before the secession took place; she carried guns, ammunition, and ordnance stores.

Re-direct:

When I was on board of her the capt. did not make a single trip wholly on his own account; that is my impression. Shippers of private freight had to get permission from the confederate authorities in order to have their freight received on board.

Cross-examination resumed:

When the boat stopped in the way where there were no confederate garrisons, no permits were required to receive freight or passengers; when I speak of permits being required, I mean from points where the boat started and was ordered from.
36 I mean when I state that the captain made no trip wholly on his account, that he was under orders, and that part was government freight and part his own.

(Signed) JOSHUA FENIMORE.

Sworn to and subscribed before me, this 22d day of December 1865.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

D. D. Dannals, for claimants, duly sworn, deposes and says: I have been residing here off and on for 15 years. I am a steamboat man and engineer. I know the steamer Trent; I know Capt. Wood for a number of years. I have been employed on board of the Trent constantly since she was purchased by Capt. Wood. She never made a trip for the government, without orders from the confederate government and without having on board a supercargo to give orders where she should proceed to; and if she went near the enemy's
37 lines there was a guard placed on board acting under the supercargo's orders. This supercargo was put on board by the confederate authorities, either by the quartermaster or chief of transportation. Twice the capt. was arrested for refusing to do service according to their orders. He either had to go on and perform the service or his boat would have been taken from him, and the confederate authorities would have put a crew on board of her and sent him and all his crew to the army.

Cross-examination:

Question. How do you know that the crew and capt. would have been sent to the army if the captain had refused to obey orders.

Answer. I know it simply because there was no other way to get out of it except by desertion, which was a very hard thing to
38 do. It is no supposition on my part; all the crew were liable to military duty within certain ages, and had to have details to serve on the boats; when they left the boats they had to report to the military authorities.

(Objected to by the dist. attorney.)

The boat under contract, or acting under orders of the government, had always an order for directing her to what point to proceed. The point of departure and destination, and all other movements of the boat were mentioned in the order itself. Capt. Wood was arrested once for refusing at Fort De Russey to cross the river and unload a cargo of wood. On another occasion for refusing to make a trip from Shreveport to Alexandria. He refused because it was wearing out his boat, without his receiving any benefit. He was not sent to the army because he complied with the orders, preferring to save his property than to lose it. The orders were delivered up to the best of my knowledge, and certificates for services rendered received
39 in return. I was on the boat from March, 1863, until after the war ended. She was owned by Capts. Borseau & Walsh when purchased by Captain Wood. He purchased her in March, 1863. She was lying at Shreveport in Red River when purchased by Capt. Wood. She was called, before she bore the name of Trent, the Martha E. Allen. Borseau & Walsh gave her the name of Trent. She was running between Shreveport on Red river, and Trinity on Black river, when owned by Borseau & Walsh. When the captain bought her, there was a confederate garrison at Shreveport, and there had been one there before. I personally know that she never made a trip since she has been owned by Capt. Wood, unless under orders, to the best of my knowledge. I did not see the orders for every

trip. I am satisfied that said orders were issued. Capt. Wood bought this boat for the purpose of keeping out of the confederate army, preferring to do service with the boat than to shoulder
40 the musket and go in the army.

(Signed) D. D. DONNALS.

Sworn to and subscribed before me, this 22d day of Dec., 1865.

(Signed) CHS. CLAIBORNE,
U. S. Com'ner.

John Rebner, for claimant, duly sworn, deposes and says: I have been residing in New Orleans since 1857. I know Capt. Wood and the Trent. I was carpenter and acting mate on board of her from March, 1863, until about April, 1865. The boat always ran under government orders. The orders were returned in order to get certified accounts for services rendered, vouchers for pay were issued on such accounts.

Cross-examined:

I saw the Trent at Shreveport, where Capt. Wood bought her; she was then owned by Capt. Borseau & Walsh. I saw many of the orders, but I did not see the orders for every trip. When Capt.
41 Wood commanded her I saw her carrying arms and ammunitions, &c., for the confederate authorities. Capt. Wood bought her in order not to be compelled to shoulder a musket, desiring to be capt. of a steamboat to keep out of the army. I knew the boat in 1862, in Ouachita river; she was running there. I cannot say if she carried troops at that time. I took little notice of her. I saw her in 1863, at Shreveport, there was there a military garrison at that time. I saw her at Trinity, in Black river, in 1862.

(Signed) JOHN REBNER.

Sworn to and subscribed before me, this 22d of December, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Com'ner.

Order continuance.

NEW ORLEANS, *Tuesday, January 23d*, 1866.

Court met pursuant to adjournment.
42 Present: Hon. Edw. H. Durell, district judge.

November term, 1865.

UNITED STATES
vs.
THE STEAMER TRENT *et al.* } No. 3,608.

By consent, this cause is continued till to-morrow, 24 inst., at 11 a. m.

Note of evidence.—Filed January 24th, 1866.

UNITED STATES
vs.
STEAMER TRENT, &c. } No. 3,608.

Dist. att'y offered all the evidence on file in this case.
Joseph Green and M. N. Wood sworn for defendant.

Hearing and submission of cause.—From minutes January 24th, 1866.

UNITED STATES
vs.
STEAMER TRENT, &c. } No. 3,608.

43 This cause came up for trial. Dist. att'y for libellants; Jno. Henderson, jr., and A. T. Field, esq., for claimant.

And after hearing the pleadings, evidence, and argument the court took time to advise, and granted leave to the defendant to amend his pleadings by alleging that he took the amnesty oath under the President's proclamation prior to the seizure of the boat.

Judgment.

United States circuit court, sixth circuit and eastern dist. of Louisiana. November term, 1865.

NEW ORLEANS, *Monday, Feb. 19th*, 1866.

Court met pursuant to adjournment. Present: Hon. Edw. H. Durell, dist. att'y.

UNITED STATES
vs.
STEAMER TRENT, &c. } No. 3,608.

The law and the evidence considered, and for reasons orally
44 assigned in the case of the United States *vs.* the steamer Capitol, No. 3,610 of the docket, ordered, adjudged, and decreed that the steamer Trent, her tackle, apparel, and furniture be, and the same are hereby, condemned as forfeited to the United States.

And the said steamer having been released from seizure and delivered to the claimant upon the execution of a bond conditioned as the law directs—

It is further adjudged and decreed that M. N. Wood, as principal, and William Noble and John F. Kranz, as sureties on the bond, be condemned in solido to pay to the United States the sum of ten thousand two hundred dollars, the appraised value of said steamer, with five per centum per annum interest from 5th July, 1865, till paid, and costs of suit.

Judgment rendered Feb. 19th, 1866.
Judgment signed Feb. 24th, 1866.
(Signed) E. H. DURELL, *Judge.*

45 *Intervention of R. Waples.—Filed Feb. 23d, 1866.*

United States circuit court, eastern dist. of Louisiana.

UNITED STATES
vs.
THE STEAMER TRENT, &c.

The petition of intervention of Rufus Waples, respectfully represents:

That he issued the order of seizure, drew and filed the libel, and performed all the duties, and assumed all the responsibilities of attorney for the United States in the above-entitled case, from the institution of the action till the 30th Oct., 1865, as will fully appear from the record of the case.

That for these services he is entitled to receive their value, which he alleges to be two hundred and four dollars.

Wherefore he prays that the court will allow him $204, or
46 such other sum as the court, in its discretion, may grant; and that it be paid from the sum of $10,200, realized by the libellants in said suit as the result of the services performed, and of the judgment rendered in their favor.

And he prays for general relief.

(Signed) RUFUS WAPLES.

Answer of the United States to intervention.—Filed February 28th, 1866.

United States circuit court, answer of the United States.

UNITED STATES OF AMERICA
vs.
THE STEAMER TRENT, &c. } No. 3,608.

And now come the plaintiffs, the United States of America, by Jno. K. Goodloe, their authorized attorney, and for answer to the intervention and claim of Rufus Waples, esq., therein set forth, say:

47 That the libel in this cause was filed 3d July, 1865, under act of Aug. 6th, 1861, prior to which date said Rufus Waples had been superseded as U. S. dist. att'y for the eastern dist. of Louisiana, and any claim for services rendered for the United States subsequent to the time that he ceased to be such att'y, should be presented for allowance and payment by the proper officers of the government of the United States at Washington city, and cannot be settled or allowed by this court in this proceeding, and before an application and refusal to allow for the same by said proper authorities; moreover, said Waples has received and now holds the sum of $34,496, received by him as fees, which sum is far above the value of any and all services he may have rendered to and for the said United States, and which he owes to said United States.

2d. If the said plaintiffs are incorrect in supposing that said Waples was not U. S. dist. att'y, as aforesaid, for said east. dist. of
48 La , at the time of rendering the services intervened for in this cause, then plaintiffs answer and say that the compensation of said dist. att'y is fixed by law, and cannot exceed $ per

annum, and in proportion thereto for the time he was such district attorney, and that the amount already received by said Waples, whilst discharging the duties of such district attorney, from 1st January, 1865, to 30th October, 1865, far exceeds the maximum compensation to which he is entitled by law, all of which he, said Waples, retains in his hands, and has not paid over to the government, as he is bound to do by law.

3d. Said plaintiffs, further answering, say that this suit was prosecuted to judgment by John K. Goodloe, United States dist. att'y, that there is no fee bill allowed by law for services in this and like cases, but the compensation is wholly dependent upon a successful prosecution of the case and the discretion of the judge of the court, and is to be allowed to the officers of the court.

49 4th. Said plaintiffs, further answering, say that the office of the United States district attorney is held at the will of the President, or appointing power; that he is at all times subject to removal by said power, and is allowed to enjoy the emoluments of such office only during the time he may remain in and hold said office according to law, and that when the judgment in this case was rendered, the said Waples had ceased to be district attorney of the United States for the eastern district of Louisiana.

Wherefore plaintiffs deny that said Waples, intervenor as aforesaid, is entitled to be allowed and paid two hundred and four dollars, or any other sum, for the services mentioned in his said intervention, and they pray that his intervention be disallowed and dismissed with costs, and for all general relief.

(Signed) JNO. K. GOODLOE,
U. S. Attorney.

50 *Exception of Rufus Waples.—Filed March* 1, 1866.

United States circuit court, east. dist. of La.

UNITED STATES OF AMERICA
vs. } 3,608.
STEAMBOAT TRENT, &c.

Rufus Waples, intervenor.

The exception of Rufus Waples, to the answer filed herein by the United States, respectfully shows:

That the 1st and 4th sections of the said answer are inconsistent with the 2d and 3d sections, and that this variance renders the answer vague and uncertain.

That all after the word "Louisiana," in the 1st section, and all after the words "was such district attorney," in the second section of the answer, are irrelevant.

Wherefore, he prays that the United States, represented by John K. Goodloe, esq., district attorney, be ordered by the court
51 to elect between the two inconsistent positions.

And he further prays that the alleged irrelevant matter be stricken from the answers.

And he prays for general relief.

(Signed) RUFUS WAPLES.
L. MADISON DAY, *of Counsel.*

Motion and order for suspensive appeal from minutes.—March 3, 1866.

UNITED STATES
vs.
THE STEAMER TRENT, &c. } No. 3,608.

On motion of M. M. Cohen, esq., of counsel for M. N. Wood, William Noble, and John F. Kranz, against whom judgment was rendered as principal and securities on the bond given in this case to release the steamer Trent, and on suggesting to the court that they feel aggrieved by the final judgment rendered against them in
52 this case on the 19th February, 1866, and that they are advised and believe there is error therein to their prejudice.

Ordered, that a suspensive appeal, to operate as a supersedeas, be granted in the case, returnable to the Supreme Court of the United States the first Monday of December next, the appellants giving bond in the sum of fifteen thousand dollars, with good and solvent security, conditioned as the law directs.

Order approving surety on appeal bond.—From minutes, March 5, 1866.

UNITED STATES
vs.
STR. TRENT. } No. 3,608.

Richard England and R. H. Noble, the proposed sureties on the appeal bond, were this day examined in open court, and upon making due proof of their solvency, they were accepted by the court.

53 *Appeal bond.—Filed March* 5, 1866.

UNITED STATES
vs.
STEAMER TRENT. } No. 3,608.

Know all men by these presents, that we, Marion N. Wood, William Noble, and John F. Franz, as principals, and Richard England and Roland H. Noble as sureties, are held and firmly bound, jointly and severally, unto the United States of America in the sum of fifteen thousand dollars, lawful money of the United States of America, to be paid to the said United States of America or assigns, for which payment, well and truly to be made, we bind ourselves, and each of us by himself, and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the 6th day of March, in the year of our Lord eighteen hunred and sixty-six.

54 Whereas Marion N. Wood, William Noble, and John F. Kranz have this day presented a motion to the hon. the circuit court of the United States for the sixth circuit, holding sessions in and for the eastern district of Louisiana, praying for a suspensive appeal to stay execution in the case of the United States *vs.* the steamer Trent, No. 3,608, of the docket of said court:

Now the condition of the above obligation is that we, the above bounden Marion N. Wood, William Noble, and John F. Franz, shall prosecute their appeal and shall satisfy whatever judgment may be rendered against them, or that the same shall be satisfied by the proceeds of their estate, real or personal, if they be cast in the appeal, otherwise that said sureties shall be liable in their place.

(Signed)	M. N. WOOD.	[L. S.]
(Signed)	WILLIAM NOBLE.	[L. S.]
(Signed)	JOHN F. FRANZ.	[L. S.]
(Signed)	RICHARD ENGLAND.	[L. S.]
(Signed)	R. H. NOBLE.	[L. S.]

55 Signed, sealed, and delivered in presence of—
(Signed) F. B. VINOT, *D'y Cl'k.*

Claim of informer.—Filed March 8th, 1866.

UNITED STATES OF AMERICA
vs.
THE STEAMBOAT TRENT, her tackle, apparel, and furniture. } No. 3,608.

U. S. circuit court, eastern district of Louisiana.

The petition of Charles Black, sr., a citizen and resident of New Orleans, respectfully represents that he is the informant in the above-entitled suit, as appears of record therein; that he gave the information upon which said steamboat Trent, &c., was seized, libelled, and condemned.

Petitioner therefore prays that he be allowed one-half of the proceeds of said steamboat Trent, her tackle, apparel, &c., as
56 provided by the 3d section of the act of Congress approved Aug. 6, 1861.

And as in duty bound, will ever pray.
(Signed) WAPLES & KELLOGG,
Proctors for Petitioner.

57 United States of America, circuit court of the United States, sixth circuit and eastern district of Louisiana.

CLERK'S OFFICE.

I, Charles Claiborne, clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, do hereby certify that the foregoing 56 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, to-

gether with all the evidence adduced on the trial of the case of the United States *vs.* the steamer Trent, her tackle, apparel, &c., No. 3,608 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 20 day of September, A. D. 1866.

[SEAL.] CHS. CLAIBORNE, *Clerk.*

[5 ct. stamp.]

I, E. H. Durell, United States judge for the eastern district of Louisiana, do hereby certify that Charles Claiborne, whose name is signed to the above certificate as clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, was at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand and seal, at the city of New Orleans, in said district, this 20th day of September, A. D. 1866.

[L. S.] E. H. DURELL, *Judge.*

[5 ct. stamp.]

58 THE UNITED STATES OF AMERICA, *Eastern District of Louisiana.*

The President of the United States to the United States of America, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to a motion praying for a suspensive appeal, filed in the clerk's office of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, wherein M. N. Wood, William Noble, and John F. Kranz, are appellants, and the United States of America are defendants, to show cause, if any there be, why the judgment rendered against the said M. N. Wood, William Noble, and John F. Kranz, as in said motion mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this sixth day of March, in the year of our Lord one thousand eight hundred and sixty-six

E. H. DURELL, *Judge.*

Marshal's return.

Received March 6th, 1866, and on the 7th day of same month and year served a copy of the within citation on the United States of America, the defendants in appeal, by leaving said document in the hands of Jno. K. Goodloe, esq., the U. S. district attorney for the eastern dist. of Louisiana, in his office in the custom-house building in this city.

J. J. PREIS,
Dy. U. S. Marshal.

New Orleans, March 7th, 1866.